

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:10-CR-102-2FL

JONATHAN EDWARD STATON,)
Movant,)
)
v.)
)
UNITED STATES OF AMERICA.)

ORDER

On October 31, 2016, the court received a motion to obtain free copies of documents filed by Jonathan Edward Staton (“movant”) [DE-90]. Movant suggests he is indigent, and seeks a copy of the indictment, transcripts, and sentencing memorandum.

The docket sheet in this action shows that on May 20, 2011, movant was sentenced to a term of imprisonment by the court. He did not file an appeal from the judgment of conviction and sentence, but did file a motion under 28 U.S.C. § 2255 on February 16, 2012 [DE-61]. The court granted the § 2255 motion in an order filed April 27, 2012 [DE-66], and re-sentenced movant on August 7, 2012 [DE-75]. Thereafter, movant filed a motion for reduction of sentence under 18 U.S.C. § 3582(c), based on 2014 retroactive amendments to the drug guidelines [DE-84]. The court granted movant’s motion in an order filed May 11, 2015 [DE-86]. The docket indicates that there are no other pending appeals or motions for relief from the judgment.

Federal inmates are not entitled to documents and materials at Government expense for collateral attacks on their convictions, absent some showing of a particularized need. United States v. MacCollum, 426 U.S. 317, 326-27 (1976); United States v. Gallo, 849 F.2d 607 (Table), 1988 WL 60934, at *1 (4th Cir. May 31, 1988) (“Copies of transcripts and court records may be provided to an indigent litigant at government expense upon a showing by the litigant of a particularized need.”). “An indigent is not entitled to free copies ‘merely to comb the record in

the hope of discovering some flaw.”” *Gallo*, 1988 WL 60934 at *1 (quoting *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963)).

As the docket sheet indicates, there are no pending appeals or motions for post-conviction relief. Accordingly, there are no current proceedings before the court that require the requested documents nor has movant identified the reasons these documents should be furnished to him. Consequently, his motion to obtain free copies [DE-90] is DENIED.

SO ORDERED. This the 22nd day of November, 2016.



Julie Richards Johnston
Clerk of Court